THE UNITED STATES SENATE: ITS PRIVILEGES, POWERS AND FUNCTIONS, ITS RULES AND METHODS OF DOING BUSINESS.

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ON the fourth day of March, 1789, the day named in the Constitution for the assembling of Congress, only eight Senators appeared and they adjourned from day to day and from time to time until the sixth day of April next following, when a quorum was present and eleven States were represented. North Carolina and Rhode Island had not yet ratified the Constitution. A roll-call disclosed the presence of the following-named Senators: From New Hampshire, John Langdon and Paine Wingate; from Massachusetts, Caleb Strong and Tristram Dalton; from Connecticut, Oliver Elsworth and William S. Johnson; from New York, Rufus King and Philip Schuyler; from New Jersey, William Paterson and Jonathan Elmer; from Pennsylvania, William Maclay and Robert Morris; from Delaware, Richard Bassett and George Read; from Maryland, Charles Carroll and John Henry; from Virginia, Richard Henry Lee and William Grayson; from South Carolina, Ralph Izard and Pierce Butler; from Georgia, William Few and James Gunn. One-half of them had been members of the convention which framed the Constitution and seventeen of them had taken part in the work of the Continental Congress. Eleven were lawyers, and among the others the record shows one merchant, one man of business, one physician and one farmer.

Following the practice of the Continental Congress and the Constitutional Convention, the Senate sat with closed doors.*

* This practice was continued until the beginning of the session that commenced December, 1794. As early as April 29, 1790, efforts were b gun to open the doors when the Senate was in legislative session, but without success (except during the discussion of the Gallatin contested election case), until on the 20th day of February, 1794, when a resolution passed to open the doors at the beginning of the next session.

By agreement the Senators arranged themselves in a semi-circle in front of the presiding officer, beginning on the right with New Hampshire and ending on the left with Georgia. The President-elect of the United States not yet having appeared and taken the oath of office, the Senate devoted a good deal of time to the preparation of rules for the proper transaction of business. The manner of communication between the two Houses was referred to a select committee on the 16th of April, and a week later the committee reported that they had conferred with a like committee on the part of the House of Representatives and they had agreed to report the following rule :

"When a bill or other message shall be sent from the Senate to the House of Representatives it shall be carried by the Secretary, who shall make one obeisance to the Chair on entering the door of the House of Representatives, and another on delivering it at the table into the hands of the Speaker. After he shall have delivered it, he shall make an obeisance to the Speaker and repeat it as he retires from the House.

"When a bill shall be sent up by the House of Representatives to the Senate it shall be carried by two members, who, at the bar of the Senate, shall make their obeisance to the President, and thence, advancing to the Chair, make a second obeisance, and deliver it into the hands of the President. After having delivered the bill they shall make their obeisance to the President, and repeat it as they retire from the bar."

This report was agreed to and then reconsidered. The subject was again committed and recommitted and on May second it was "agreed that until a permanent mode of communication shall be adopted between the Senate and House of Representatives, the Senate will receive messages by the Clerk of the House, if the House shall think proper to send him—and papers sent from the House shall be delivered to the Secretary at the bar of the Senate, and by him conveyed to the President."

The committee's report was never adopted. The early practice was continued. When the Clerk of the House appears inside the door of the Senate chamber with a message, the fact is announced by the Doorkeeper thus : "Message from the House of Representatives," when business is temporarily suspended, and the President recognizing "Mr. Clerk," that officer, bowing and addressing the Chair, says : "I am directed to inform the Senate that the House has passed ——," a certain bill or resolution, or whatever may be the nature of the information to be communicated. Having thus spoken, he delivers the paper, or papers, to the Doorkeeper and politely retires. The document is then de-

livered to the Secretary or his Chief Clerk, and business is resumed.

The same simple proceeding is had when the President's Private Secretary appears with a message from the Executive. On being announced and recognized by the chair, he says: "I am directed by the President of the United States to deliver a message in writing," or "to announce his approval" of a certain bill, or whatever may have been the President's action on a particular matter.

The Senate communicates with the President through its Secretary or by a special committee of its members.

The next subject involving questions of official etiquette which the Senate at the beginning had to determine was: "What style or title it will be proper to annex to the offices of President and Vice-President," and a committee was appointed to consider the matter. The subject was discussed frequently from April 23d until May 14th, and many different titles were suggested, as "His Highness," "His Excellency," etc. The committee finally reported in favor of "His Highness, the President of the United States of America and Protector of the Rights of the Same." But the House of Representatives favored the simple language of the Constitution, "The President of the United States," and that has been the form of address ever since.

At first, executive communications were delivered to the Senate by Cabinet officers, and when the President wished to communicate in person with the Senate, he informed that body when he would appear, as he did on several occasions and conferred with the Senate in respect to treaties and appointments. This practice did not long continue, however. The President's Private Secretary soon came to be the bearer of his messages, and he has performed that service ever since, though the rule providing for the reception of the President, when he calls on the Senate officially, is still preserved and is now in force.

The first message of President Washington was delivered by himself orally in an address before both Houses, and each House, following the custom of the British Parliament, prepared and delivered an "answer" to the address.

The first code of rules adopted for the government of the Senate was severely disciplinarian. One of them required that "inviolable secrecy shall be observed with respect to all matters

transacted in the Senate while the doors are shut, or as often as the same is enjoined from the Chair." The last one provided that:

"These rules shall be engrossed on parchment and hung up in some conspicuous part of the Senate Chamber. And every Senator who shall neglect attendance during a session, absent himself without leave, or withdraw for more than a quarter of an hour without permission after a quorum is formed, shall be guilty of disorderly behavior, and his name, together with the nature of the transgression, shall be written on a slip of paper and annexed to the bottom of the rules, there to remain until the Senate, on his application or otherwise, shall take order on the same."

Attention, order and manly bearing, with resulting ease and dignity in speech, were so highly prized by these our first Senators, that seven of their rules of procedure related to personal deportment of members of the body during session hours.

Looking back from this distance, it seems strange that such rigid rules were deemed necessary among gentlemen so punctilious as they. Congress met in Philadelphia the next year and a newspaper writer of that city thus described the Senate's decorum:

"Among the Senators is observed constantly during the debates the most delightful silence, the most beautiful order, gravity, and personal dignity of manner. They all appear every morning full-powdered and dressed in the richest material. The very atmosphere of the Chamber seems to inspire wisdom, mildness and condescension. Should any of the Senators so far forget for a moment as to be the cause of a protracted whisper while another was addressing the Vice-President, three gentle raps with his silver pencil-case by Mr. Adams immediately restored everything to repose and the most respectful attention."

These rules were amended and modified from time to time as occasion and experience suggested, and in 1806 a new code was adopted, retaining such of the old as had proven to be suitable for the work of the Senate. The revision included forty rules, the exact number now in force. The most important change from the old code was the omission of the "previous question." Under the operation of that rule a majority of a quorum could at any time stop a debate. The rule was not popular. Only four times in sixteen years had it been invoked, and in one of the instances it was ruled out of order because the matter pending was a preamble and not a substantive proposition.

There have been several attempts to restore the rule, in substance at least, notably in 1841 by Henry Clay, in 1850 by Stephen A. Douglas, in 1870 by Hannibal Hamlin and Henry Wilson; and the subject has been brought to the attention of the Senate occa-

sionally since, when some measure was vigorously urged and persistently opposed, as in the case of the bill to repeal the purchasing clause of the silver law, at the extraordinary session in 1893.

The effect of dropping the previous question has been to broaden the scope of debate and this sometimes provokes unfavorable criticism outside the chamber as well as inside; but it is questionable whether it ever will be, or ought to be, restored.

Without the spur of the previous question the Senate has become more patient and conservative than it was in the beginning. It is nowhere recorded in the proceedings of the Senate, since the century began, that any member of the body was denied the privilege of speaking to any important matter pending. A vote on the main question can be reached only by unanimous consent, and that is never given on any great question until every Senator who desires to speak upon it has had an opportunity to be heard. If he does not conclude to-day he may proceed to-morrow and continue the next day.

And from this courtesy among Senators it sometimes happens that a small matter is the occasion of long, able and powerful debate on questions in no way related to the pending proposition. No harm has come from this. On the contrary, it has been instructive and helpful. Every great discussion in the Senate has served to enlarge the horizon of liberty and to strengthen the foundations of the Republic. As an example take this: In January, 1830, Mr. Foote, a Senator from Connecticut offered a resolution instructing the committee on public lands to inquire and report certain facts relating to the public domain.

Thomas H. Benton, of Missouri, speaking to the resolution, criticised the Eastern people, because, as he believed, they were disposed to prevent emigration to the Western States and Territories, and would be aided in their efforts by stopping sales of the public lands there. This brought Daniel Webster to the defence of New England, and in his answer to Mr. Benton he alleged that the author of the Ordinance of 1787, which opened a vast region of the West to settlement and dedicated the Northwest Territory of freedom, was an Eastern man. Discussing the wisdom of that measure, he referred to the prevailing customs in the South, and made comparisons distasteful to Senators from the slave-holding States.

Robert Y. Hayne, of South Carolina, defended his people and arraigned those of the East in a long and able speech.

Mr. Hayne's speech was delivered on the 21st day of January. On the 26th, Mr. Webster replied in an argument which has become historic.

Inspired by this battle of giants, Mr. Calhoun, who was then Vice-President, resigned that position that he might enter the Senate as a member, and in July next following he delivered a speech discussing not anything then before the body, but the argument delivered by Mr. Webster six months before.

Following this, at the next session of Congress, came the famous free trade report of the Committee on Ways and Means, followed by the nullification proceedings of '32 and the compromise tariff act of '33, and eighteen years afterward by the compromise measures of 1850, and in 1852 by the adoption of the Virginia and Kentucky resolutions of 1798-99, as the creed of the Democratic party, supplemented by the slaveholders' rebellion in 1861—all bearing close and direct relation to what was said in the Senate in the discussion following the introduction of Mr. Foot's modest resolution proposing to inquire whether it would not be wise to temporarily limit the sale of public lands.

Speeches of Senators on important subjects are, in most cases, prepared carefully in advance, reduced to writing and read by the author from manuscript. It is very seldom that a Senator proceeds in a great effort without copious notes, if his speech is not in writing or print before him.

In order to maintain the relative power of parties in the Senate and in order that no Senator need "lose his vote," a custom prevails by which members of opposing parties form themselves into "pairs," and if one of a "pair" is absent when a vote is taken, the other does not vote.

All confidential communications from the President of the United States are considered in secret executive sessions, and all treaties laid before the Senate, and all remarks, votes and proceedings thereon are kept secret, under the thirty-sixth rule. The fourth clause of this rule provides that "any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt."

The injunction of secrecy may be removed, in any given case, by a resolution of the Senate. This is not often done, however, but newspaper reporters have become so expert in their profession that they publish fairly accurate statements of what was said and done in executive sessions of the Senate.

In all cases except treason, felony and breach of the peace, Senators are privileged from arrest during their attendance at the sessions of the Senate, and in going to and returning from the same, and for "any speech or debate" in the Senate they "shall not be questioned in any other place."

From the beginning it has been the custom to allow newspapers to be paid for out of the "contingent fund," which is a fund to be applied to special uses under the exclusive control of the Senate—as stationery, select committee expenses, etc. At first the number of papers which Senators allowed themselves was limited to three each. Stationery was used without limit until 1868, when the amount allowed to each Senator was fixed at $125 a session for newspapers and stationery. It was subsequently changed to $125 a year, and that is the rule now. If more than that amount is drawn the difference is paid in cash by the Senator; if less is drawn he receives the difference in money.

Senators are privileged to send through the mails, free of charge, any public document printed by order of Congress and official letters to any officer of the Government.

Each Senator is entitled to one copy of every Government publication, and he may have it bound in half morocco or material no more expensive.

No person is admitted to the floor of the Senate Chamber while the body is in session or during the fifteen minutes immediately preceding the hour of meeting, except the following: The President of the United States and his Private Secretary, the President and Vice-President elect, ex-Presidents and ex-Vice-Presidents, Judges of the Supreme Court, ex-Senators and Senators-elect, the officers and employees of the Senate in the discharge of their official duties, ex-Secretaries and ex-Sergeants-at-arms of the Senate, Members of the House of Representatives, and members-elect, ex-Speakers of the House of Representatives, the Sergeant-at-arms and his chief deputy and the Clerk of the House and his deputy, heads of the Executive Departments, Ambassadors and Ministers of the United States, Governors of States and

Territories, the General commanding the army, the Senior Admiral of the navy on the active list, members of National Legislatures of foreign countries, Judges of the Court of Claims, Commissioners of the District of Columbia, the Librarian of Congress and the Assistant Librarian in charge of the Law Library, the Architect of the Capitol, the Secretary of the Smithsonian Institute, Clerks to Senate Committees and Clerks to Senators, when in actual discharge of their official duties.

The Senate meets, usually, at 12 o'clock, noon. After prayer by the Chaplain and the reading of the journal of the last preceding day's proceedings, the first thing in order is the presentation of petitions and memorials; then follow in their order reports of standing and select committees, introduction of bills and joint resolutions, and concurrent and other resolutions.

The first two hours of the session is known as "the morning hour," during which all preliminary proceedings are had, such as debates on Senate resolutions, first and second readings of bills, motions for reference, consideration of matters coming over from a previous day, etc. At 2 o'clock the presiding officer lays before the Senate the "unfinished business," if there be any, and if not, the calendar is in order.

In addition to the usual prerogatives of parliamentary bodies, the Senate enjoys certain privileges and exercises certain functions and powers which are conferred upon it by the Constitution of the United States. It may originate legislation on any subject over which Congress has jurisdiction, except revenue.

It may concur in, amend or reject any bill or resolution sent to it by the House of Representatives; it may adjourn for any length of time not exceeding three days, without the consent of the other House, but must not adjourn to any place other than that "in which the two Houses shall be sitting." The Senate is the judge of the elections, returns and qualifications of its own members, and it chooses its own officers and makes its own rules. Though a legislative body, it is charged with executive functions in respect to treaties and appointments to office. The President has power to make treaties and appoint officers, but that power has coupled with it—"by and with the advice and consent of the Senate." The President "shall nominate, and by and with the advice and consent of the Senate, shall appoint" Ambassadors, other public ministers and Consuls, Judges of the Supreme

Court, and all other officers of the United States, whose appointments are not otherwise provided for in the Constitution, and which shall be established by law. A simple majority of a quorum may advise and consent to an appointment, but two-thirds of the Senators present are required to ratify a treaty.

Under the operation of the twelfth amendment to the Constitution of the United States, taking effect 25th September, 1804, the Senate is charged with the duty of choosing the Vice-President in case none of the persons voted for for that office has received a majority of the votes cast; and, when sitting for this purpose, two-thirds of the whole number of Senators must be present, and a majority of the whole number shall be necessary to a choice. The only instance of the Senate's performing this function was in the case of Richard M. Johnson in 1837.

The Senate has power to compel the attendance of absent members, to inflict punishment for disorderly behavior, and with the concurrence of two-thirds may expel a member for any cause deemed sufficient.

The power of the Senate to punish persons not members of the body, for contempt, defamation, libel, etc., has never been clearly and fully defined. None of the cases acted upon has settled any important questions in that direction. Though in some respects fashioned after the model of the Upper House of the British Parliament, the Senate has no judicial power, except in cases of impeachment. Its powers of punishment and expulsion are applicable only to its own members, and were granted for its own protection. The Duane case is in point. William Duane, of Philadelphia, on the 19th day of February, 1800, published in the *General Advertiser, or Aurora*, a newspaper of that city, a copy of a bill "prescribing the mode of deciding disputed elections of President and Vice-President of the United States," together with editorial comments thereon, reflecting on the action of the Senate and of certain Senators, naming them, in respect to the alleged passage of the bill, which matter was declared by the Senate to be "false, defamatory, scandalous and malicious, tending to defame the Senate," and Mr. Duane was summoned to appear at the bar of the Senate, on a day named, "at which time he will have opportunity to make any proper defense for his conduct," etc. He did appear and asked for the assistance of counsel. The request was granted, but on terms

that he regarded as in restraint of his constitutional rights, and he refused to further appear or answer.

On March 27th following, the Senate held that Duane was in contempt and the Sergeant-at-arms was directed to take him into custody and hold him subject to further order of the Senate. But Congress being about to adjourn, and the Senate not claiming power to hold a prisoner beyond the session, the President of the United States was requested by a resolution of the Senate, May 14, 1800, to instruct the proper officer to institute an action against Duane for the defamatory publication. An action was begun, he submitted his case to the court and was sentenced to thirty days' imprisonment and to pay the costs of prosecution.

In several instances happening since Duane's case was disposed of, newspaper reporters have been deprived of the privileges of the floor or gallery, as the case may be, because of publishing matter disrespectful to the Senate or its members.

As to the power of the Senate to compel witnesses to appear and testify, whatever may be its extent, it is not unlimited. The existence of this power was taken for granted until 1857, when the question was raised by the refusal of a witness to testify before a committee of the House of Representatives, with the result that, while the witness was in custody of the Sergeant-at-Arms, January 21st, 1857, the committee before whom he was subpoenaed to testify, reported to the House a bill, which became a law three days afterward, providing for trial and punishment of contumacious witnesses before committees of either House of Congress. The law was changed somewhat by act of January 24th, 1862. The present statutory provisions relating to this subject are found in Sections 101 to 104 inclusive, and Section 859, of the Revised Statutes of 1878. By Section 102, refusal to testify is declared to be a misdemeanor, and Section 104 provides that: "Whenever a witness summoned as mentioned in Section 102 fails to testify, and the facts are reported to either House, the President of the Senate or the Speaker of the House, as the case may be, shall certify the fact under the seal of the Senate or the House to the District Attorney for the District of Columbia, whose duty it shall be to bring the matter before the Grand Jury for their action."

It was under these provisions that the witnesses in the Sugar Trust scandal investigation in 1894 were indicted and tried.

There have been but few cases of disorder among Senators in the Senate Chamber of a character requiring official action. Senators rarely violate a rule of order willfully, and they are usually prompt to make proper explanations and apologies for any breaches of privilege happening among them in debate.

A resolution to expel Benjamin Tappan, a Senator from Ohio, was submitted May 10th, 1844. That Senator, in violation of the rule of secrecy, had delivered to a newspaper reporter for publication a copy of the Texas annexation treaty. The resolution was afterward modified so as to declare that Mr. Tappan "has been guilty of a flagrant violation of the rules of the Senate and disregard of its authority." After the resolution was adopted, it was further resolved, "That in consideration of the acknowledgments and apology tendered by the said Benjamin Tappan for his said offense, no further censure be inflicted on him."

In the case of Senators Benton, of Missouri, and Foote, of Mississippi, a special committee was appointed to report. On several occasions prior to April 17th, 1850, these two Senators "had some sharp personal altercations in the Senate. On that date, while Mr. Foote was speaking in reply to Mr. Benton, the latter started from his seat and moved toward Mr. Foote. Mr. Foote left his seat and took a stand in front of the Secretary's table, at the same time drawing and cocking a revolver. Mr. Benton was led back to his seat by Senators in the midst of great confusion, and Mr. Foote was induced to surrender the pistol."

The committee reported that the whole scene was most discreditable to the Senate, but recommended no action, expressing the hope that their condemnation of the affair would be "a sufficient rebuke and a warning not unheeded in future."

The attack on Charles Sumner occurred in the Senate Chamber after the body had adjourned, and the offending party was not a member of the Senate.

The Senate has exercised its power of expulsion five times. William Blount, a Senator from Tennessee, was expelled July 8th, 1797, for complicity in a scheme to transfer New Orleans and adjacent territory from Spain to Great Britain. John C. Breckinridge, of Kentucky, was expelled December 4th, 1861, for participation in the rebellion. Trusten Polk and Waldo P. Johnson, Senators from Missouri, were expelled January 10th, 1862,

for aiding and abetting the rebellion. Jesse D. Bright, of Indiana, was expelled on the 5th day of February, 1862, for disloyalty in writing a letter to Jefferson Davis introducing a man who wanted "to dispose of what he regards a great improvement in firearms."

In connection with these expulsions for disloyalty it may be stated that the Senators from Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas and Virginia voluntarily retired between the months of November, 1860, and July, 1861. A. O. P. Nicholson of Tennessee retired March 3d, 1861.

Of the Senators in office May 1st, 1898, twenty-one served in the Confederate army.

The Senate has the "sole power to try all impeachments." The President, Vice-President and all civil officers of the United States are impeachable for "treason, bribery or other high crimes and misdemeanors," and on conviction for any of these offenses they shall be removed from office; but no person shall be convicted without the concurrence of two-thirds of the members present. There is no appeal from the judgment, and the President, though authorized by the Constitution "to grant reprieves and pardons for offenses against the United States," is specially prohibited from interfering in cases of impeachment. They are excepted.

"Judgment, in case of impeachment, shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment according to law."

The Senate is not called upon to determine generally who are "civil officers of the United States;" it is sufficient, in each case as it is presented, to inquire whether the party impeached is included in that class. Articles impeaching William Blount were presented to the Senate for trial in 1797. Mr. Blount, being a member of the Senate, pleaded that he was not a "civil officer of the United States," and on that ground he objected to the jurisdiction of the Senate. On argument, his plea was held good and the impeachment proceedings were dismissed, but on the evidence against him he was expelled from the Senate.

There have been seven cases of impeachment prosecuted before the Senate. (1.) The above-mentioned William Blount, a

Senator from Tennessee, for violating the neutrality laws of the United States, 1797. (2.) John Pickering, District Judge, New Hampshire, for having appeared on the bench in a state of intoxication, 1803. (3.) Samuel Chase, Associate Justice of the Supreme Court of the United States, for that "* * * disregarding the duties and dignity of his judicial character, did, at the Circuit Court for the District of Maryland, held at Baltimore in the month of May, 1803, pervert his official right and duty to address the Grand Jury * * * for the purpose of delivering to the said Grand Jury an intemperate and inflammatory harangue," etc. (4.) James Peck, District Judge, Missouri, for "high misdemeanors in office," 1826-31. (5.) West W. Humphreys, District Judge, Tennessee, for advocating the right of secession in a public speech, 1861. (6.) Andrew Johnson, President of the United States, for "high crimes and misdemeanors," 1868. (7.) William W. Belknap, Secretary of War, for "high misdemeanor in office," 1876-77.

When the Senate tries a case of impeachment, each Senator takes an oath in the following form:

"I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of —— ——, now pending, I will do impartial justice according to the constitution and laws. So help me God."

The Senate long ago prepared and adopted a code of rules to govern in the body when sitting on impeachment trials, and in the case of President Johnson, on advice of the Chief Justice, the Senate's impeachment code of (25) rules was formally adopted by the body sitting for the trial of the particular case.

The House of Representatives has the sole power of impeachment. When charges of an impeachable character are preferred in the House against the President, Vice-President, or any civil officer of the United States, a special committee is usually appointed to investigate and report the probable facts, and the Judiciary Committee consider and report whether, on the facts stated, an impeachable offense has been committed and whether the person charged is probably guilty. If the report is affirmative, a committee of "Managers" is appointed by ballot to prepare articles of impeachment and to conduct the prosecution before the Senate. The Managers, on the part of the House in the President's case, were John A. Bingham, of Ohio; George S. Boutwell, of Massachusetts; James F. Wilson, of Iowa; John

A. Logan, of Illinois; Thomas Williams, of Pennsylvania; Benjamin F. Butler, of Massachusetts; Thaddeus Stevens, of Pennsylvania.*

The preliminary proceedings in impeachment cases are formal and tedious. When all things are ready the members of the House, before proceeding to the Senate, resolve themselves into a "Committee of the Whole House" for the purpose of prosecuting the impeachment and attend in that manner, though none of them but the Managers takes part in the proceedings.

When the President of the United States is on trial, the Chief Justice presides.

The following is a copy of the opening entry on the journal of proceedings of the trial of the impeachment of President Johnson, March 30th, 1868:

"At half past twelve o'clock, P. M., the Chief Justice of the United States entered the Senate Chamber, escorted by Mr. Pomeroy, chairman of the committee heretofore appointed for that purpose.

"THE CHIEF JUSTICE.—'The Sergeant-at-Arms will open the court by proclamation.'

"THE SERGEANT-AT-ARMS.—'Hear ye! hear ye! hear ye! All persons are commanded to keep silence while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against Andrew Johnson, President of the United States.'

"The President's counsel, Messrs. Stanbery, Curtis, Evarts, and Groesbeck, entered the Chamber and took the seats assigned to them.

"At twelve o'clock and thirty-five minutes, P. M., the Sergeant-at-Arms announced the presence of the managers of the impeachment on the part of the House of Representatives, and they were conducted to the seats assigned to them.

"Immediately afterwards the presence of the members of the House of Representatives was announced, and the members of the Committee of the Whole House, headed by Mr. E. B. Washburn, of Illinois, the chairman of that committee, and accompanied by the Speaker and Clerk of the House of Representatives, entered the Senate Chamber and took the seats prepared for them."

The Senate is a school. The world's history is its text book. The record of a single day's proceedings frequently shows a range of work as wide as Christendom. No man well made up can be there long, if he will but listen, without himself becoming wiser and better. His opportunities for usefulness multiply as the new days come to him; his intellectual horizon expands, his view broadens and he grows stronger.

* The President's counsel were: Henry Stanbery, of Kentucky; B. R. Curtis, of Massachusetts; Thomas A. R. Nelson, of Tennessee; William M. Evarts, of New York; William S. Groesbeck, of Ohio; Jeremiah S. Black of Pennsylvania.

It is no disparagement to any one who ever was or is now a member of the United States Senate, to say that it is only the few that are really great. The work of the body has resulted from the combined labors of all its members; each is entitled to his full measure of credit. The least among them has had some part in making up the Senate's record. But in all these hundred years and more there have always been some strong men there, men of great intellectual stature, who were seen and heard above the rest, grand characters that stand out among their fellows like peaks in mountain ranges and that we see afar off as we see cliffs and promontories on the shore line of the sea.

The House of Representatives, as the popular branch of the National Legislature, is commonly regarded as being nearer the people and more responsive to the popular will than the Senate is. Be that as it may, the rules of the lower House are and have been many years framed to restrict rather than to enlarge the freedom of speech. In the Senate there is no limit to debate except unanimous consent. The youngest member's objection prevents a vote if he desires to amend or to be heard on the main question. In a speech of great force delivered a few years ago in the Senate by Mr. Hoar, alluding to this subject, he said:

"The freedom of debate in the House of Representatives is gone. What I sometimes think is of more importance, the freedom of amendment, is gone also. * * * It is here only that the freedom of debate is secure. * * * Victories in arms are common to all nations. * * * But the greatest victories of constitutional liberty since the world began are those whose battle-ground has been the American Senate and whose champions have been the Senators, who, for a hundred years, while they have resisted the popular passions of the hour, have led, represented, guided, obeyed, and made effective the deliberate will of a free people."

W. A. PEFFER.